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## Exoneration

This library collection contains updated data regarding how exonerees obtained DNA testing. This research collection was compiled in conjunction with a book chapter reporting the results of a study of these materials. See Brandon L. Garrett, "Convicting the Innocent," Ch. 7 (forthcoming Harvard U. Press 2011). An [appendix](#) accompanies the book chapter. This Web page was created by Professor Brandon Garrett ([bgarrett@virginia.edu](mailto:bgarrett@virginia.edu)).

### [Data on how exonerees obtained DNA testing](#)

This appendix updates an earlier spreadsheet and contains information regarding how the first 250 DNA exonerees obtained DNA testing. These data are discussed in Chapter 8 of the "Convicting the Innocent" book. The appendix first notes for each exoneree whether the prosecutor ultimately consented or opposed the request for post-conviction DNA testing. Some cases marked "consent" include cases in which the prosecutor initially opposed testing but ultimately joined in the motion. Similarly, on the issue of consent or opposition to the motion to vacate the conviction, "consent" included cases in which initial opposition was followed by the prosecutor ultimately joining in the motion.

- Summary statistics begin at the bottom of the file in orange cells. Findings include that in the first 250 post-conviction DNA exoneration, prosecutors consented to DNA testing in 81 percent of cases in which information was obtained on the subject (170 of 210 cases) and opposed it in 19 percent (40 of 210 cases), with no information available in 40 cases.
- Prosecutors eventually joined in the motions to vacate the convictions in 88% of cases in which information was obtained on the subject (171 of 194 cases) and opposed the motions in 12% (23 of 194 cases), with no information available (or no vacatur proceedings held) in 56 cases.
- State courts issued 97 percent of court orders for postconviction relief (205), while only 4 percent (9) were by federal courts (of those two were issued by both state and federal courts.)
- Post-conviction DNA testing inculpated the actual perpetrator in 112 cases, of which 65 involved a "cold hit" in a DNA database. Sixty-eight exonerees received a pardon.

This collection was created by Professor [Brandon Garrett](#) ([bgarrett@virginia.edu](mailto:bgarrett@virginia.edu)). Data was collected from news reports and court decisions on Westlaw and Lexis, as well as original case file documents that were available, with the invaluable help of a team of talented research assistants: Dennis Barrett, Christine Chang, Brian Conaway, Veronica Dragalin, Rebecca Ivey, Bradley Justus, Christine Mandell and Rebecca Martin. In addition, attorneys working with the Innocence Network who litigated the exonerees' cases corrected or provided additional information. Any additional information or corrections to this data collected from news reports, judicial opinions and attorney information would be welcome.

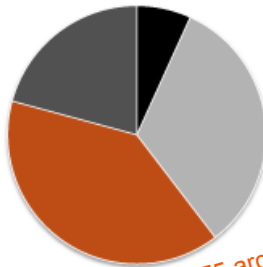
*Case No. 15675 archived on December 31, 2015*  
*cited in Morrison v. Peterson*

## DNA Identified the Real Culprit



- DNA Hit - 45% (112)
- None - 55% (138)

## Year of Conviction



- 1974-1980 – 7% (17)
- 1981-1985 – 33% (82)
- 1986-1990 – 40% (99)
- 1991 – 2008 - 21% (52)

*cited in Morrison v. Peterson, No. 13-15675 archived on December 31, 2015*

[Convicting the Innocent](#) | [Contaminated Confessions \(Chapter 2\)](#) | [Eyewitness Misidentifications \(Chapter 3\)](#)  
[Flawed Forensics \(Chapter 4\)](#) | [Jailhouse Informants \(Chapter 5\)](#) | [Innocence on Trial \(Chapter 6\)](#)  
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